

CITY OF SAN JOSE
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

ORDINANCE NO. 22852

AN ORDINANCE OF THE CITY OF SAN JOSE
ESTABLISHING AN UNDERGROUND UTILITY DISTRICT
AT EVERGREEN PARK ON YERBA BUENA AND SAN FELIPE ROADS

WHEREAS, by Resolution No. 60564, the City Council of San Jose called a Public Hearing for JUNE 21, 1988, at the hour of 1:30 p.m., in the Council Chambers of the City of San Jose, City Hall, North First Street and Mission Street, San Jose, California, to ascertain whether an underground utility district be established in the area designated as "EVERGREEN PARK ON YERBA BUENA AND SAN FELIPE ROADS" (hereinafter called "District") and more fully described and shown on EXHIBIT A and EXHIBIT B attached to said resolution; and

WHEREAS, written notice of said hearing has been given pursuant to Section 15.24.050 of the San Jose Municipal Code, such hearing has been duly and regularly held, and all persons interested have been given a reasonable opportunity to be heard;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of San Jose:

SECTION 1. The City Council pursuant to Chapter 15.24 of the San Jose Municipal Code, hereby finds and determines that the public necessity, health, safety, and welfare require and it is in the general public interest that existing poles and overhead wires within the District be removed therefrom and be thereafter prohibited and that wires and associated facilities within the District for transmitting, conducting, conveying, distributing, or supplying electricity for the purpose of providing light, heat, power, telephone, telegraph, communication, television, or other similar or associated service be installed underground.

Excepted from the provisions of this Ordinance are overhead service drops which are extended from poles or spans located outside of this District.

The existing overhead service drops which are extended from poles or spans located within the District shall be undergrounded in their entirety to the point of connection on the property owner's structure.

SECTION 2. The City Council hereby declares that a certain area of the City of San Jose hereinafter described on EXHIBIT A and shown on EXHIBIT B, attached hereto, made a part hereof, and incorporated herein by reference is established as an underground utility district to be designated "EVERGREEN PARK ON YERBA BUENA AND SAN FELIPE ROADS" and orders and requires that existing poles and overhead wires within said District be removed therefrom and be thereafter prohibited and that wires and associated facilities within said District for transmitting, conducting, conveying, distributing, or supplying electricity for the purpose of providing light, heat, power, telephone, telegraph, communication, television, or other similar or associated service be installed underground subject to all of the provisions and exceptions contained in Part 3, Chapter 15.24 of the San Jose Municipal Code.

SECTION 3. Existing poles and overhead wires must be removed from the District not later than June 30, 1991. Wires and associated facilities within the District for transmitting, conducting, conveying, or supplying electricity for the purpose of providing heat, power, telephone, telegraph, communication, television, or other similar or associated service shall be installed underground not later than June 30, 1991.

Persons owning any property within the District must be ready to receive light, heat, power, telephone, telegraph, communications, television or other similar or associated service by means of underground wires and facilities not later than April 30, 1991.

SECTION 4. The City Council does hereby request that the Pacific Gas & Electric Company and Pacific Bell use the underground conversion allocation computed pursuant to Rule 20A and Rule 32 respectively of the Public Utilities Commission of the State of California for the purpose of providing as part of an underground service lateral to each premise in the District a maximum of one hundred (100) feet (measured from the property line) of individual electric service trenching and underground conductor as well as backfill, paving, and conduit, if required. Each property owner shall be responsible for the installation and maintenance of the conduit and termination box located on, under, or within any structure on the premise served. The underground service lateral provided as set forth above, shall be installed within the limits from the service connection point within the sidewalk area to the required termination box located on the structure or premise.

SECTION 5. The Director of Public Works is hereby directed to give written notice to all affected Utilities and owners of affected property in said District pursuant to Sections 15.24.150 and 15.24.160 of the San Jose Municipal Code.

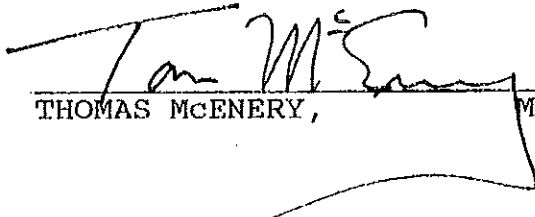
SECTION 6. The Director of Public Works may give written notice to any noncomplying property owners or occupants in said District pursuant to Section 15.24.170 of the San Jose Municipal Code. Said notice may be given in lieu of a notice to the Utility Companies for disconnection of service pursuant to Section 15.24.130 of the San Jose Municipal Code.

PASSED FOR PUBLICATION OF TITLE on the 21st day of June, 1988, by the following vote:


AYES: ALVARADO, BEALL, HAMMER, IANNI, LEWIS, PUTNAM, RYDEN, SAUSED0,
STABILE, WILLIAMS; McENERY

NOES: NONE

ABSENT: NONE


THOMAS MCENERY, MAYOR

ATTEST:


ANDREA MEMBRENO, CITY CLERK

PLM:AK:DSB:af
EVRGN/ORD

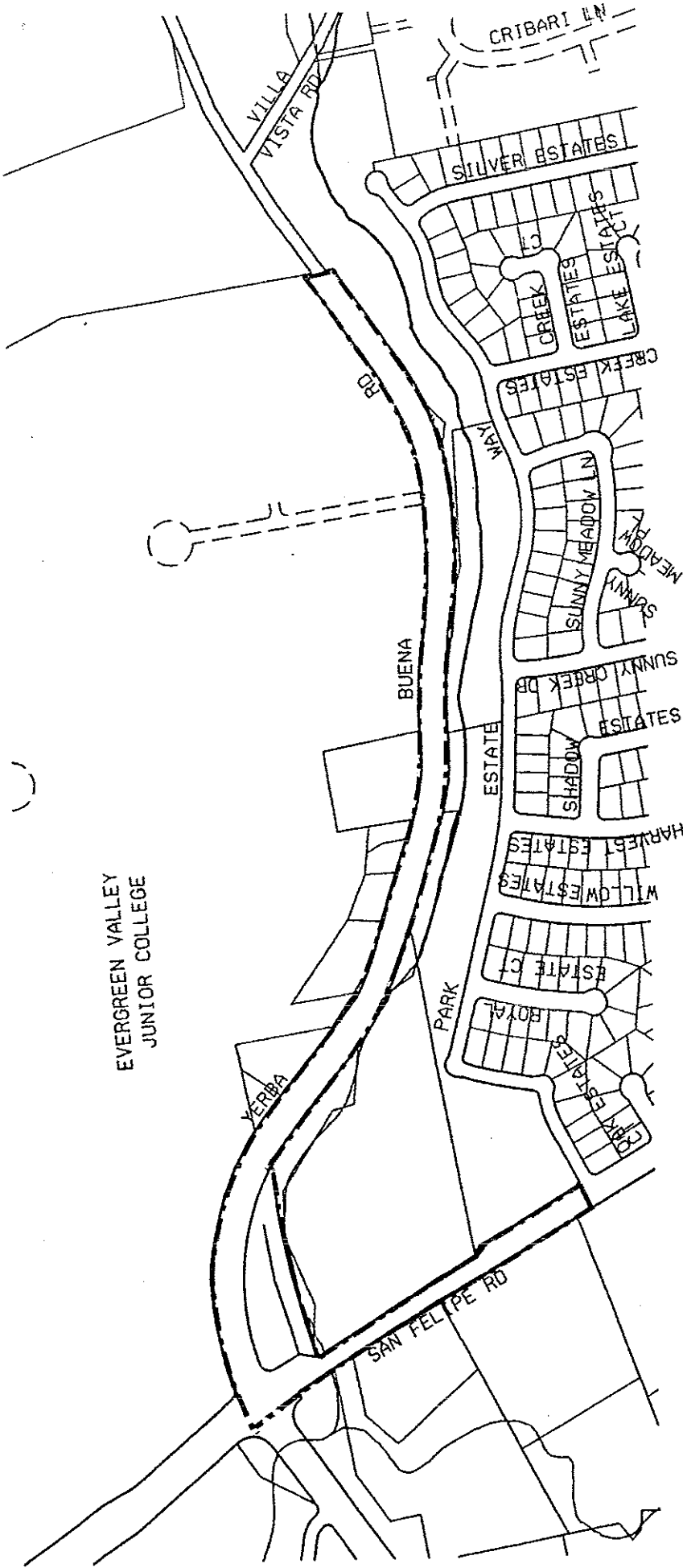
Attachments:
Exh. A, Description
Exh. B, Map

EXHIBIT A

DESCRIPTION OF 20A UNDERGROUND UTILITY DISTRICT

EVERGREEN CREEK PARK: YERBA BUENA ROAD AND SAN FELIPE ROAD

Beginning at the northeasterly corner of San Felipe Road and Yerba Buena Road; thence proceeding in an easterly direction 3900 \pm feet along the northerly right-of-way line of Yerba Buena Road; thence proceeding southerly 105 \pm feet along a line perpendicular to said northerly right-of-way line of Yerba Buena Road; thence proceeding in a westerly direction 3900 \pm feet along said southerly right-of-way line of Yerba Buena Road to the southeasterly corner of Yerba Buena Road and San Felipe Road; thence proceeding in a southeasterly direction 970 \pm feet along said easterly right-of-way line of San Felipe Road to the point of intersection with the northeasterly corner of Park Estates Way and San Felipe Road; thence proceeding southwesterly 85 \pm feet along a line perpendicular to said easterly right-of-way line of San Felipe Road to the westerly right-of-way line of San Felipe Road; thence proceeding in a northwesterly direction 1250 \pm feet along said westerly right-of-way line of San Felipe Road; to the point of intersection with the northwesterly corner of San Felipe Road and Yerba Buena Road; thence proceeding northeasterly 115 \pm feet along a line perpendicular to said right-of-way of San Felipe Road to the point of beginning.



EVERGREEN VALLEY
JUNIOR COLLEGE

CITY OF SAN JOSE
UNDERGROUND UTILITY
DISTRICT

EVERGREEN CREEK PARK

SCALE: 1" = 500'

LEGEND

Boundary - - - - -

EXHIBIT B